

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PEEKAY, INC.,

Plaintiffs,

v.

CITY OF LACEY, *et al.*,

Defendants.

CASE NO. C03-5664RSM

ORDER DENYING MOTION FOR
EXTENSION OF TIME

This matter comes before the Court on plaintiff's Motion for Extension of Time to File a Reply to defendants' Response to plaintiff's Motion for Summary Judgment. (Dkt. #122). Plaintiff's counsel states that "it is likely" that defendants will not submit their Response until after business hours on July 5, 2005, and then she will have only a day and a half to file her Reply brief. (Dkt. #122 at 2). She asks the Court to allow her an extension of time to submit a Reply on July 8, 2005, or on July 11, 2005.

Having reviewed plaintiff's motion, and the balance of the record, the Court hereby finds and
ORDERS:

(1) Plaintiff's Motion for an Extension of Time to file a Reply (Dkt. #122) is DENIED AS PREMATURE and AS MOOT. Defendants have not yet filed their Response to plaintiff's motion for summary judgment, as such brief is not due until July 5, 2005. Therefore, the timing of the submission

ORDER
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1 of that brief is purely speculative at this time. Furthermore, this Court's "Amended Electronic Filing
2 Procedures," available via the Internet on this Court's website, allow a party to file a brief up until
3 11:59 p.m. Pacific Time, and that brief shall be deemed filed on that date. *Amended Electronic Filing*
4 *Procedures*, "Electronic Document" at pg. 2, available at <http://www.wawd.uscourts.gov>.

5 Accordingly, it is not improper for defendants to file their brief after business hours on July 5, 2005.

6 Moreover, it appears that plaintiff's counsel is unaware that this Court's Local Rules were
7 amended as of January 1, 2005, and a movant's reply papers are now due no later than the noting date
8 of the motion. Local Rule CR 7(d)(3) (as amended Jan. 1, 2005). Thus, plaintiff's Reply is already
9 due July 8, 2005. Accordingly, it is unnecessary for plaintiff's counsel to request an extension of time
10 to file a Reply on that date, and her request is now moot.

11 (2) The clerk shall forward a copy of this Order to all counsel of record.

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13 DATED this 27 day of June, 2005.

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15 /s/ Ricardo S. Martinez
16 RICARDO S. MARTINEZ
United States District Judge
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